

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
03 MAY 28 AM 10:58

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ricardo FLORES-Garcia,

Defendant

Magistrate Docket No.

08 MJ 1679


COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **May 26, 2008** within the Southern District of California, defendant, **Ricardo FLORES-Garcia**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **MAY, 2008**


Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

f f r

CONTINUATION OF COMPLAINT:**Ricardo FLORES-Garcia****PROBABLE CAUSE STATEMENT**

On May 26, 2008, at approximately 4:00 p.m., Border Patrol Agent K. Squires was performing assigned line watch duties within the El Cajon Border Patrol Station's area of responsibility when she noticed shoeprints on an unpaved roadway. Agent Squires determined that several people had traversed the road on foot very recently. Upon closer examination of the shoeprints, it became apparent that the persons who left them did so after entering the United States by jumping over the U.S./Mexico International Border Fence and continuing north on an established smuggling trail. The area immediately surrounding the location of the shoeprints is approximately one mile east of the Tecate, California Port of Entry and less than a mile north of the United States/Mexico International Border.

Agent Squires tracked the shoeprints for approximately three hours over a distance of approximately two miles. At approximately 7:00 p.m., Agent Squires encountered nine individuals attempting to conceal themselves in bushes. Agent Squires immediately identified herself as a United States Border Patrol Agent and conducted a brief field interview with each of the subjects. All nine, including one later identified as the defendant **Ricardo FLORES-Garcia**, admitted to being citizens and nationals Mexico without any immigration documents that would them to be in or remain in the United States legally. Agent Squires placed all nine subjects under arrest and arranged for them to be transported to the U.S. Border Patrol Tecate Office for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 26, 2008** through **Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.